

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KONSTANTIN OREKHOV,

CASE NO. 2:25-cv-00463-JHC

Plaintiff,

ORDER

V.

DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES
CITIZENSHIP AND IMMIGRATION
SERVICES,

Defendants.

This matter comes before the Court sua sponte. The Court ordered Plaintiff to show cause why this action should not be dismissed for failure to serve Defendants with a summons and copy of the complaint within the timeframe provided under Federal Rule of Civil Procedure 4(m). Dkt. # 2. In a response to the order to show cause, Plaintiff's counsel explained that counsel misunderstood the service requirements because this is counsel's first federal civil case. Dkt. # 4 at 2.

Even though Plaintiff does not show good cause to extend the 90-day period set forth in Rule 4(m), the Court “retains broad discretion absent such a showing to dismiss the action or extend the period for service.” *Cadet v. Overlake Hosp. Med. Ctr.*, 2025 WL 1103973, at *2

1 (W.D. Wash. Apr. 14, 2025) (citing *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007)).

2 “[I]f good cause is not established, the district court may extend time for service upon a showing
3 of excusable neglect.” *Lemoge v. United States*, 587 F.3d 1188, 1198 (9th Cir. 2009).

4 To determine whether neglect is excusable, courts examine at least four factors: “(1) the
5 danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on
6 the proceedings; (3) the reason for the delay; and (4) whether the [party] acted in good faith.” *Id.*
7 at 1192. The 90-day period set forth in Rule 4(m) expired on June 12, 2025. The Court finds
8 that extending the deadline about a month and a half will not unduly prejudice Defendants. And
9 because counsel contacted the Court to check on the status of this case in May 2025, the Court
10 finds that counsel is merely inexperienced and did not act in bad faith. Dkt. # 4 at 2.

11 Thus, the Court concludes that counsel’s neglect is excusable and extends the deadline
12 for service to July 29, 2025. The Court is not inclined to grant further extensions.

13 Dated this 15th day of July, 2025.

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17 John H. Chun
18 United States District Judge
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